

ATTACHMENT 2 (EXHIBIT 3)

**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_ day of May, 2012

**PRESENT:** Supervisors

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION TO  
DENY THE APPLICATION OF EXCELARON, LLC FOR CONDITIONAL USE PERMIT  
DRC2009-00002**

The following resolution is now offered and read:

WHEREAS, following public hearing duly noticed and conducted on February 23, 2012, and continued to March 8, 2012, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and denied the application of Excelaron, LLC for Conditional Use Permit DRC2009-00002 on March 8, 2012; and

WHEREAS, Excelaron, LLC has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on May 15, 2012, and determination and decision was made on May 15, 2012; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed subject to the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.
4. That the appeal filed by Excelaron, LLC is hereby denied and the decision of the Planning Commission is affirmed, and that the application of Excelaron, LLC for Conditional Use Permit DRC2009-00002 is hereby denied subject to the findings set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairman of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN.  
County Counsel

  
\_\_\_\_\_

By: Whitney McDonald  
Deputy County Counsel

Dated: May 1, 2012